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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 BAO XUYEN LE, as Personal
8 Representative of the Estate of Tommy
9 Le; HOAI "SUNNY" LE; and DIEU
10 HO,

11 Plaintiffs,

12 v.

13 REVEREND DR. MARTIN LUTHER
14 KING, JR. COUNTY; and KING
15 COUNTY DEPUTY SHERIFF CESAR
16 MOLINA,

17 Defendants.

C18-55 TSZ

MINUTE ORDER

18 The following Minute Order is made by direction of the Court, the Honorable
19 Thomas S. Zilly, United States District Judge:

20 (1) Plaintiffs' motion for leave to amend, docket no. 218, is GRANTED in part
21 and DENIED in part, as follows.

22 (a) Plaintiffs will be allowed to file a Third Amended Complaint
23 asserting a negligence claim in light of the recent decision in Beltran-Serrano v.
City of Tacoma, 193 Wn.2d 537, 442 P.3d 608 (2019). The Court will set
deadlines for the filing of such amended pleading, the filing of any responsive
pleading or motion, and the completion of any related discovery after the appeal in
this matter is resolved and the stay imposed by the Order entered June 4, 2019,
docket no. 209, is lifted.

(b) Plaintiffs' request to lift the stay and permit them to immediately file
their proposed Third Amended Complaint is DENIED. Plaintiffs' proposed Third
Amended Complaint, docket nos. 218-2 (redlined) & 218-3, attempts to resurrect

claims that have already been dismissed. See Minute Order (docket no. 38) (dismissing claim for reckless or negligent infliction of emotional distress, which plaintiffs have tried to replead as the Fifth Cause of Action in the proposed Third Amended Complaint); Stip. & Order (docket no. 65) (dismissing claim for negligent selection, training, and supervision, which is set forth as the Sixth Cause of Action in the proposed Third Amended Complaint); Stip. & Order (docket no. 90) (approving non-suit of Julia Nguyen, who is named as a plaintiff in the proposed Third Amended Complaint); Minute Order (docket no. 143) (dismissing the equal protection / racially-selective law enforcement claim that appears within the First Cause of Action in the proposed Third Amended Complaint); Order (docket no. 189) (dismissing claim for outrage, identified as the Fourth Cause of Action in the proposed Third Amended Complaint, and terminating as plaintiffs Uyen Le, Kim Tuyet Le, Quoc Nguyen, Tam Nguyen, Dung Nguyen, and Jefferson Ngyuen aka Jefferson Ho, who are listed in the caption of the proposed Third Amended Complaint). With the exception of the negligence claim, as to which plaintiffs contend a change in the law has transpired, plaintiffs may not, by amending their pleadings, reinstate claims that were previously dismissed.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 2nd day of December, 2019.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk